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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,847	10/23/2003	Harold A. Ladouceur	60,152-989	6698

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EXAMINER

MAZZUCA JR, DOUGLAS

ART UNIT	PAPER NUMBER
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3726

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/691,847	Applicant(s) LADOUCEUR, HAROLD A.	
	Examiner Douglas E. Mazzuca	Art Unit 3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of dependant claims 4-5 and 7-9 is withdrawn in view of the newly discovered reference(s) to Cook (US Patent No. 3,099,057). Rejections based on the newly cited reference(s) follow.

Claim Objections

2. Claim 7 is objected to for being in improper dependant form (see MPEP 608.01(i)) because claim 7 depends on cancelled claim 4. For the purpose of examination, claim 7 is presumably depending on claim 6.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1,5, and 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Cook (US Patent No. 3,099,057).

Cook discloses the following:

A method of installing a self-attaching female fastener element (**figure 6**) in a metal panel (**S1**), said self-attaching female fastener element including a body portion (**22**) having a bore therethrough, a first tubular barrel portion (**upper end 24**) integral with a first end of said body portion and a second tubular barrel (**lower end 24**) portion integral with a second end of said body portion, each of said tubular barrel portions having longitudinal axis coincident with a longitudinal axis of said bore and an outer diameter less than said body portion (**24 is less than 22**) such that said self-attaching female fastener element is symmetrical with respect to a plane perpendicular to said longitudinal axis, said method comprising the following steps:

Inserting an open end of one of said first and second tubular barrel portions through an opening in said panel (**column 2 lines 59-60**) and performing the following steps substantially simultaneously, deforming said one of said first and second tubular barrel portions radially outwardly and inwardly to entrap an end portion of said panel surrounding said opening permanently retaining said self-attaching female fastener to said panel; and deforming the other of said first and second tubular barrel portions radially outwardly and inwardly (**24 bends outwardly and inwardly on both sides, also, as can be seen, both ends are substantially simultaneously bend outwardly and inwardly to entrap the metal panel; column 4 lines 21-22**) by folding an outer distal portion over an inner distal portion having a distal end adjacent said body portion (**24, after**

bending is adjacent body portion), thereby reducing the longitudinal length of said self-attaching female fastener installed in said panel.

5. In regard to claims 5 and 10, Cook discloses all of the following, as described in paragraph 4. Furthermore, Cook also discloses deforming the inner tubular barrel portion at an acute angle relative (**best described in column 3 lines 52-55**) to an axis of said bore and folding said outer tubular barrel portion generally parallel to said inner tubular barrel portion (**24 is parallel to barrel portion as seen in figure 6**).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook (US Patent No. 3,099,057) in view of Ladaouceur et al. (US Patent No. 5,237,733). Cook discloses all of the following claim information, as set forth in paragraphs 4 and 5, yet fails to disclose a body with a polygonal outer surface. However, Ladouceur et al. teach a generally polygonal surface on the body of self-attaching female fastener (**column 5 lines 5-9, column 8 lines 7-10, also seen in figures 1-2, and 6-7**). The purpose of having a polygonal outer body is to help prevent the rotation of the fastener in relation to the metal panel. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine

the method of installing a self-attaching female fastener of Cook with the polygonal outer shape of Ladouceur et al. in order to prevent the free rotation of the fastener while being installed, or while installed in a metal panel.

8. Claims 3, 6, and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook (US Patent No. 3,099,057) in view of Ladouceur et al. (US Patent No. 5,237,733) and further in view of Muller (US Patent No. 4,831,698). Concerning claims 3, 6 and 9, Cook and Ladouceur et al. teach the claimed information, including, the bore of the fastener being threaded (**Ladouceur et al., figures 3 and 4**), yet they fail to teach the fastener piercing the metal panel. Muller teaches aligning the fastener on the metal panel, and piercing the metal panel to create an opening for the fastener (**column 1 lines 27-33, figure 5, 86; it can also be seen in figure 5 that the fastener is clearly positioned against the metal panel**). The purpose of piercing the panel while installing the fastener is to acquire accurate and precise alignment of the fastener in relation to the pierced hole. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the method of attaching a female fastener element of Cook in view of Ladouceur et al. with the piercing operation of Muller in order to more accurately and precisely position the fastener in the properly aligned hole in the metal panel.

9. Regarding claim 7, Cook in view of Ladouceur et al. teach a generally polygonal outer surface on the body of the fastener as described in above paragraph 7.

10. In regard to claim 8, Cook discloses all of the claimed information, as described in paragraph 4.

Response to Arguments

11. Applicant's arguments with respect to amended claims 1-3, and 5-11 have been considered but are moot in view of the new ground(s) of rejection.

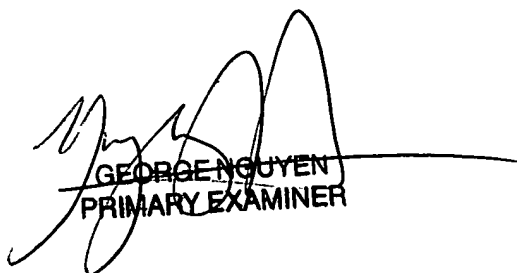
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas E. Mazzuca whose telephone number is (571)272-7813. The examiner can normally be reached on 7:30AM-4PM Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Nguyen can be reached on (571)272-4491. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DEM


GEORGE NGUYEN
PRIMARY EXAMINER

Douglas Mazzuca
March 21, 2006